

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

J.W., a minor, by and through Amanda Williams
as guardian and next friend

PLAINTIFF

VS.

CIVIL ACTION NUMBER 3:21-CV-663-CWR-LGI

THE CITY OF JACKSON, MISSISSIPPI; CHOWKE A.
LUMUMBA, JR.; TONY YARBER; KISHIA POWELL;
ROBERT MILLER; JARRIOT SMASH; THE MISSISSIPPI
STATE DEPARTMENT OF HEALTH; JIM CRAIG; TRILOGY
ENGINEERING SERVICES, LLC; AND JOHN DOES 1-40

DEFENDANTS

UNOPPOSED MOTION FOR EXTENSION OF TIME

COMES NOW, the Mississippi State Department of Health and Jim Craig (hereafter "State Defendants"), by and through counsel of record, and respectfully move for an agreed extension of the deadline for them to respond to the Plaintiff's Original Complaint and Jury Trial Demand, as follows:

1. Plaintiff, J.W., a Minor, by and through Amanda Williams, as Guardian and Next Friend (herein "Plaintiff"), filed an Original Complaint with Jury Demand (the "Original Complaint") on October 19, 2021. [ECF Doc. 1].

2. Plaintiff has indicated that she intends to submit a motion requesting leave to file an Amended Complaint in this matter, which the State Defendants do not intend to oppose. Plaintiff has agreed that the decision not to oppose this amendment will not constitute a waiver of any defense to Plaintiff's future averments and claims. Plaintiff has further agreed the State Defendants need not file a response to the Original Complaint given Plaintiff's intent to file an Amended Complaint.

3. The State Defendants' responsive pleading to the Original Complaint is not yet due, as the Court previously extended the State Defendants' time to respond until January 12, 2022. [ECF Text Order, 12/8/21].

4. Plaintiff will file an Amended Complaint on or before February 15, 2022.

5. It is agreed that upon Plaintiff's filing the Amended Complaint, the State Defendants will have twenty-one (21) days to answer or otherwise respond to same.

6. If for any reason the Court disallows Plaintiff's Amended Complaint, the State Defendants request a second extension, of twenty-one (21) days from such ruling, in which to file their responsive pleading to Original Complaint.

7. The undersigned has conferred with counsel for Plaintiff who has no objection to the relief sought.

8. The relief sought will not delay the administration of this matter in any way. Further, this request is being made for good cause and is not made for the purpose of delay or harassment.

WHEREFORE, PREMISES CONSIDERED. the Mississippi State Department of Health and Jim Craig, request that this Court enter an order extending the time for them to file their response to the Plaintiff's Original Complaint and concluding that, if the Court disallows the Amended Complaint, the State Defendants be afforded twenty-one (21) days from such ruling in which to file their responsive pleading to the Original Complaint.

This the 12th day of January 2022.

Respectfully submitted,

MISSISSIPPI STATE DEPARTMENT OF
HEALTH AND JIM CRAIG

By: s/ Meade W. Mitchell
Meade W. Mitchell (MSB # 9649)

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ATTORNEYS FOR DEFENDANTS MISSISSIPPI
STATE DEPARTMENT OF HEALTH AND JIM CRAIG

CERTIFICATE OF SERVICE

I, Meade W. Mitchell, one of the attorneys for Defendants Mississippi State Department of Health and Craig do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing to the Court's ECF system which sent notification of such to all counsel of record.

THIS the 12th day of January 2022.

s/ Meade W. Mitchell

Meade W. Mitchell (MSB #9649)

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